Bill

Received: 10/31/2001					Received By: malaigm				
Wanted: Soon					Identical to LRB:				
For: Jim Baumgart (608) 266-2056					By/Representing: Aide				
This file may be shown to any legislator: NO					Drafter: malaigm				
May Contact:					Addl. Drafters: rryan				
Subject: Children - juvenile justice Criminal Law - guns and weapons					Extra Copies:				
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Instru	ctions:								
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02/19/2002 08:04:17 AM Page 2

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FE Sent For:

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Bill

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Wanted: Soon

Identical to LRB:

For: Jim Baumgart (608) 266-2056

By/Representing: Aide

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

rryan

Subject:

Children - juvenile justice

Criminal Law - guns and weapons

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Biological or chemical substance scare; juvenile dispositions for such scare or for bomb scare involving school premises or for firearms in school zone

Instructions:

Redraft s0221 as bill--create new offense for biological or chemical substance scares and create new juvenile dispositions for such scares, and for bomb scares and possession or discharge of firearms, in school zones.

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2001 - 2002 LEGISLATURE

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LRB-2055/2
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2001 SENATE BILL 221

or a bibgred or chemical substance scare

July 12, 2001 – Introduced by Senators Baumgart, Burke, Darling, Schultz and Roessler, cosponsored by Representatives Albers, Turner and Ryba. Referred to Committee on Judiciary Consumer Affairs, and Campaign Finance Reform.

biological or chemical substance scares,)

AN ACT to amend 938.34 (5g) (d); and to create 938.34 (13p) of the statutes;

relating to: juvenile court dispositions for a juvenile who is found to have made

a bomb scare involving a school premises or to have possessed or discharged a

firearm in a school zone and providing a penalty

Analysis by the Legislative Reference Bureau

Under current law, the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) may impose various dispositions on a juvenile who has been adjudged delinquent. Those dispositions include the imposition of a forfeiture on the juvenile and the juvenile's parents, a requirement that the juvenile participate in a supervised work program or other community service work, and, for certain violations, restriction or suspension of the juvenile's operating privilege (driver's license). This bill permits the juvenile court to impose, in addition to any other disposition that the juvenile court may impose under current law, any of the following dispositions on a juvenile who has been found to have made a bomb scare involving a school premises or to have possessed or discharged a firearm in a school zone:

- 1. Participation in anger management counseling or any other counseling ordered by the juvenile court.
- 2. Participation for 100 hours in a supervised work program or the performance of 100 hours of other community service work.
- 3. Restriction or suspension of the juvenile's driver's license for two years, if the juvenile used a motor vehicle to facilitate the commission of the violation.)

or a biological or chemical substance scare

Trisert A

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(2)

restricted or suspended for 2 years except that the court may restrict or suspend

juvenile's operating privilege under this paragraph only if the court finds that the

uvenile used a motor vehicle to facilitate the commission of the violation If the court

restricts or suspends a juvenile's operating privilege under this paragraph, the court

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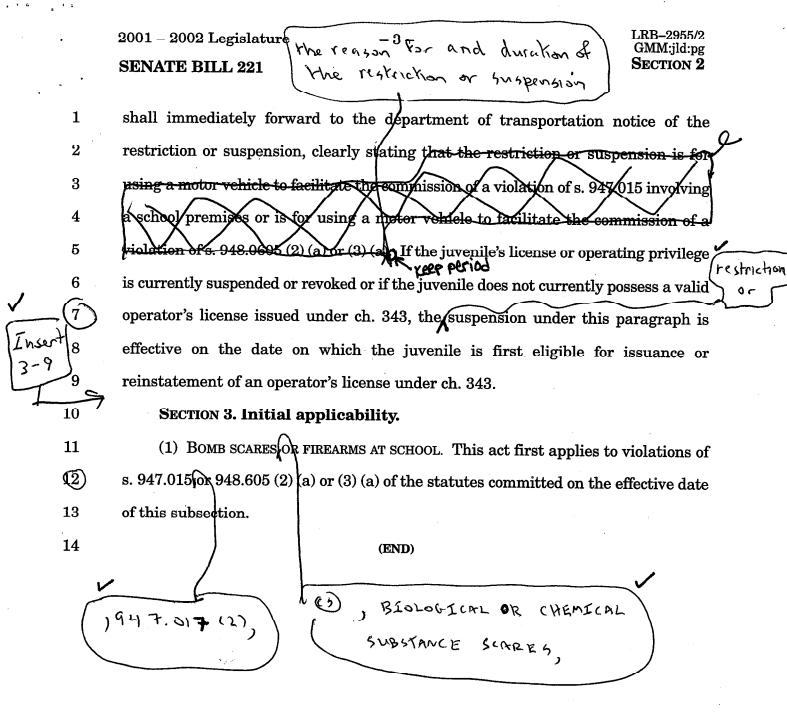
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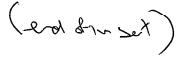
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is found to have violated s. 947.017 (2) and the threat concerned release or dissemination of a harmful substance on a school premises, as defined in s. 948.61 (1) (c), $(\xi_0 \geq k)$ $(\chi_0 \leq k)$

SECTION 1. 947.017 of the statutes is created to read:

947.017 Threats to release chemical or biological substances. (1) In this section, "harmful substance" means a toxic or poisonous chemical or its precursor or a disease organism.

(2) Whoever, knowing the threat to be false, intentionally threatens to release or disseminate a harmful substance or conveys a threat to release or disseminate a harmful substance, if the threat induces a reasonable expectation or fear that a harmful substance will be released or disseminated, is guilty of a Class E felony.



2001–2002 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-4169/1insA GMM.....

(INSERT A)

Current law prohibits a person from intentionally conveying any threat or false information, knowing the threat or information to be false, concerning an attempt or alleged attempt to destroy any property by means of explosives (bomb scare). A person who commits a bomb scare may be fined not more than \$10,000 or imprisoned for not more than 10,000 or imprisoned for not more than 10,000 or imprisoned threatening or conveying a threat to release or disseminate a toxic or poisonous chemical or a disease organism (harmful substance), knowing the threat to be false, if the threat induces a reasonable expectation or fear that a harmful substance will be released or disseminated (biological or chemical substance scare). A person who commits a biological or chemical substance scare may be fined not more than \$10,000 or imprisoned for not more than 10,000 both.

(END OF INSERT)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU - LEGAL SECTION (608-266-3561)

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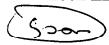
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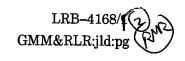
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State of Misconsin 2001 - 2002 LEGISLATURE





2001 BILL

AN ACT to amend 938.34 (5g) (d); and to create 938.34 (13p) and 947.017 of the statutes; relating to: biological or chemical substance scares, juvenile court dispositions for a juvenile who is found to have made a bomb scare or a biological or chemical substance scare involving a school premises or to have possessed or discharged a firearm in a school zone, and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from intentionally conveying any threat or false information, knowing that the threat or information to be false, concerning an attempt or alleged attempt to destroy any property by means of explosives (bomb scare). A person who commits a bomb scare may be fined not more than \$10,000 or imprisoned for not more than ten years or both. This bill prohibits a person from intentionally threatening or conveying a threat to release or disseminate a toxic or poisonous chemical or a disease organism (harmful substance), knowing the threat to be false, if the threat induces a reasonable expectation or fear that a harmful substance will be released or disseminated (biological or chemical substance scare). A person who commits a biological or chemical substance scare may be fined not more than \$10,000 or imprisoned for not more than ten years or both.

Under current law, the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) may impose various dispositions on a juvenile who has been adjudged delinquent. Those dispositions include the imposition of a forfeiture on the juvenile and the juvenile's parents, a requirement that the juvenile

participate in a supervised work program or other community service work, and, for certain violations, restriction or suspension of the juvenile's operating privilege (driver's license). This bill permits the juvenile court to impose, in addition to any other disposition that the juvenile court may impose under current law, any of the following dispositions on a juvenile who has been found to have made a bomb scare or a biological or chemical substance scare involving a school premises or to have possessed or discharged a firearm in a school zone:

- 1. Participation in anger management counseling or any other counseling ordered by the juvenile court.
- 2. Participation for 100 hours in a supervised work program or the performance of 100 hours of other community service work.
- 3. Restriction or suspension of the juvenile's driver's license for two years. For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 938.34 (5g) (d) of the statutes is amended to read:

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938.34 (5g) (d) Under this subsection, a juvenile who is under 14 years of age may not be required to perform more than 40 total hours of supervised work or other community service work, except as provided in subs. (13p), (13r), and (14t).

SECTION 2. 938.34 (13p) of the statutes is created to read:

938.34 (13p) Bomb scares, biological or chemical substance scares, or firearms at school. In addition to any other disposition imposed under this section, if the juvenile is found to have violated s. 947.015 and the property involved is a school premises, as defined in s. 948.61 (1) (c), is found to have violated s. 947.017 (2) and the threat concerned release or dissemination of a harmful substance on a school premises, as defined in s. 948.61 (1) (c), or is found to have violated s. 948.605 (2) (a) or (3) (a), the court may order any one or more of the following dispositions:

(a) That the juvenile participate in anger management counseling or any other counseling ordered by the court.

harmful substance will be released or disseminated, is guilty of a Class E felony.

Section 4. Initial applicability.

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(END)
(a) or (3) (a) of the statutes committed on the effective date of this subsection.
SCHOOL. This act first applies to violations of s. 947.015, 947.017 (2), or 948.605 (2)
(1) Bomb scares, biological or chemical substance scares, or firearms at



State of Misconsin

LEGISLATIVE REFERENCE BUREAU

STEPHEN R. MILLER

100 NORTH HAMILTON STREET 5TH FLOOR MADISON, WI 53701-2037

LEGAL SECTION:

(608) 266-3561 (608) 264-6948

February 18, 2002

MEMORANDUM

To:

Senator Baumgart

From:

Gordon M. Malaise, Senior Legislative Attorney

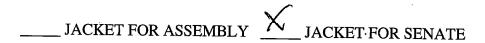
Re:

LRB-4168/2 Biological or chemical substance scare; juvenile dispositions for such

scare or for bomb scare involving school premises or for firearms in

school zone

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.



If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9738 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.